

No. 14/13/87-6Lab./238.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Capital Salts, Plot No. H-39, Pali Road, Dabua Colony.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 722 of 1993

between

THE MANAGEMENT OF M/S CAPITAL SALTS, PLOT NO. H-39, PALI ROAD, DABUA COLONY, NEAR HANUMAN MANOIR, FARIDABAD

versus

THE WORKMAN NAMELY. SHRI RAMCHANDER SINGH, S/O SHRI GAYA PARSAD C O HIND MAZDOOR SABHA, 29, SAHID CHOWK, FARIDABAD

Present :

Shri Khushi Ram, for the workman.

None, for the management.

AWARD

In exercise of the powers conferred by sub clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (herein-after referred to as 'the Act') the Governor of Haryana referred the following dispute between the parties, mentioned above, to this Court for adjudication,—vide Haryana Government Endorsement No. 43106—11, dated 31st November, 1993 :—

Whether the termination of services of Shri Ramchander Singh, is justified and in order ?
If not, to what relief is he entitled to ?

2. Notice was sent to both the parties appearance. The workman appeared. Notice sent to the management was received back with the remarks that the premises were found locked. The workman then furnished the latest address of the management. Notice under registered cover was sent to the management. It was not received back undelivered. However none appeared on behalf of the management and it was ordered that the management may be proceeded against *ex-parte*.

3. The workman has led *ex parte* evidence.

4. I have heard the authorised representative of the workman and have also gone through the evidence on record.

5. The workman has vouched that he was engaged as salt grinder by the management in March 1977. He had been continuously working with them till 31st May, 1993. His services were terminated on 1st June, 1993 without payment of retrenchment compensation. He served demand notice. The management appeared before the Labour Officer but refused to take back on duty. He also tendered in evidence copy of notice Ex. W-1 report to the Labour Officer Ex. W-2. WW-2 Ratish Mohan has supported the version of the workman that the workman has been working as salt grinder with the management for a period of above 5 years. WW-3 Ram Gulam also supported the version of the workman and tendered photograph A-1 to Ex. A-3, letters Ex. P. 1 to Ex. P. 5 and money order receipt Ex. P-6 to Ex. P-12.

6. It is clearly established from the aforesaid unrebutted evidence that the workman had rendered service with the management for a continuous period of more than 240 days in 12 calendar months prior to the termination of his services. The impugned action of the management terminating his services without compliance of Section 25-F of the Act is thus illegal and unjustified. Consequently, the workman is entitled to be reinstated into service with continuity in service and full back wages. The award is passed accordingly.

U. B. KHANDUJA,

The 25th January, 1995.

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 162, dated the 31st January, 1995.

A copy with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government Haryana, Labour Department Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

No. 14/13/87-6Lab./239.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad in respect of the dispute between the workman and the management of M/s Manager, Bhupendra Steel Pvt. Ltd., Plot No. 25, Sector-6, Faridabad *versus* Amar Pal.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 165/94

between

THE MANAGEMENT OF M/S MANAGER, BHUPENDRA STEEL PVT. LTD.,
PLOT NO. 25, SECTOR-6, FARIDABAD

and

THE WORKMAN NAMELY SHRI AMAR PAL, S/O NIYADAR C/O SHRI
SUNHERI LAL, CHAIRMAN, DISTRICT LABOUR CELL, CONGRESS
COMMITTEE (E), DISTRICT FARIDABAD, 21/3, MATHURA ROAD,
NEAR PARTAP STEEL, FARIDABAD

Present :

None, for the workman.

Shri S. K. Bakshi, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above to this court for adjudication,—*vide* Haryana Government Endst. No. 23750—55, dated 21st June, 1994 :—

Whether the termination of the services of Shri Amar Pal, is legal and justified ? If not to what relief is he entitled to ?

2. The case of the workman is that he was employed by the management on 10th January, 1991 and his last drawn wages of Rs. 1,500 p. m. His work and conduct has been satisfactory. His services were terminated on 28th December, 1993 when he requested the management to enforce the settlement dated 21st May, 1993 arrived under Section 12(3) of the Act. He is thus, entitled to be reinstated into service with continuity in service and full back wages.

3. The management submitted written statement dated 11th October, 1994 stating therein that the workman was never employed by them, and so there was no relationship of employer and employee between the parties. It was further stated that the workman had been the employee of one contractor Lala Ram to whom he had not intentionally made a party. Thus, the workman is not entitled to the relief claimed by him.

4. On 10th November, 1994 none appeared on behalf of the workman and as such it was ordered that the workman may be proceeded against *ex parte*.

5. The management has submitted affidavit in *ex parte* evidence confirming the aforesaid position that the workman was never employed by them. He had been in the service of a contractor.

6. I have heard the authorised representative of the management.

7. There is rebuttal to the position indicated in the written statement as well as affidavit mentioned above. It is thus, held that the workman was never employed by the management and so the question of termination of services of the workman by the management does not arise. The reference made by the Government in this regard is thus, infructuous. The workman is not entitled to any relief. The award is passed accordingly.

The 25th January, 1995.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

Endorsement No. 163, dated 31st January, 1995

A copy, with three spare copies is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

No. 14/13/87-6L.b./240.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Kamla Syntex Pvt. Ltd., Sector-4, Faridabad *versus* Dharambir.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II, FARIDABAD

Reference No. 386 of 91

between

THE MANAGEMENT OF M/S KAMLA SYNTEX PVT. LTD., SECTOR-4,
FARIDABAD

and

THE WORKMAN NAMELY, SHRI DHARAMBIR, S/O SHRI MUKAND LAL
C/O SHRI BHIM SINGH YADAV, INTAK UNION OFFICE, 65-A,
CHAWALA COLONY, 100 FEET ROAD, BALLABGARH

Present :

Shri B. S. Yadav, for the workman.

Shri J. K. Sharma, for the Management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act 1947 (here-in-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government Bdstd. No. 43511—16, dated 17th December, 1991 :—

Whether the services of Dharambir were terminated or he had lost lien on the job himself having remained absent? The relief, to which he is entitled as result thereof?

2. Notice was sent to both the parties and they appeared. Issues were framed on the pleadings of the parties.

3. At the aforesaid stage, the parties have settled the dispute amicably. The workman has been paid a sum of Rs. 15,000 by way of full and final settlement of his dues. He has relinquished his right to his reinstatement. The dispute referred for adjudication does not survive. The award is passed accordingly.

The 30th January, 1995.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Endorsement No. 164, dated the 31st January, 1995

A copy, with three spare copies is forwarded to the Financial Commissioner & Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

No. 14/13/87-6Lab./241.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Faridabad, in respect of the dispute between the workman and the management of M/s Partap Steel Ltd., 21/3, Mathura Road, Faridabad *versus* Ravinder Singh.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER,
LABOUR COURT-II, FARIDABAD

Reference No. 390 of 91

between

THE MANAGEMENT OF M/S PARTAP STEEL LTD., 21/3, MATHURA RAAD,
FARIDABAD

and

THE WORKMAN NAMELY, SHRI RAVINDER SINGH, HOUSE NO. D-99,
DABUA COLONY, FARIDABAD

Present :

Shri S. K. Chauhan, for the workman.

Shri K. P. Aggarwal, for the management.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government Enst. No. 43185-90, dated 9th December, 1991 :—

Whether the termination of services of Shri Ravinder Singh, is legal and justified? If not, to what relief is he entitled to?

2. Notices were sent to both the parties and they appeared. On the pleadings of the parties, issues were framed. The management has also led evidence.

3. At the aforesaid stage, the parties have settled the dispute amicably. The workman has been paid a sum of Rs. 1,800 by way of full and final settlement of his dues. He has relinquished his right for his reinstatement. Consequently, the dispute referred for adjudication does not survive. The award is passed accordingly.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II,
Faridabad.

Dated the 31st January, 1995.

Endorsement No. 157, dated the 31st January, 1995.

A copy, with three spare copies, is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

No. 14/13/87-6Lab./243.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court II, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Refractories Pvt. Ltd., Plot No. 65-66, Sector-25 Faridabad *versus* Dwarika Singh.

IN THE COURT OF SHRI U. B. KHANDUJA, PRESIDING OFFICER, LABOUR COURT-II,
FARIDABAD

Ref. No. 214/94

between

THE MANAGEMENT OF M/S HARYANA REFRACTORIES PVT. LTD., PLOT NO. 65-66,
SECTOR-25, FARIDABAD

and

THE WORKMAN NAMELY SHRI DWARIKA SINGH, C/O FARIDABAD KAMGAR
UNION (REGD.), CITU OFFICE, BHUD COLONY, OLD FARIDABAD

Present :

None.

AWARD

In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (herein-after referred to as 'the Act'), the Governor of Haryana referred the following dispute between the parties mentioned above, to this court for adjudication,—*vide* Haryana Government Endorsement No. 24865—71, dated 24th June, 1994 :—

Whether the termination of services of Shri Dwarika Singh is legal and justified ? If not, to what relief is he entitled to ?

2. Notices were sent to both the parties for appearance. The workman appeared through Shri Rakesh Bansal. Notice sent to the management was received back undelivered with the report of the postal authority that the addressee had refused to receive it. The management was thus, proceeded against *ex parte*.

3. The case was fixed up today for *ex parte* evidence of the workman in the form of affidavit. It is 3.45 p. m. None is present on behalf of the workman. In the circumstances, the court is left with no option but to pass no claim award and it is passed accordingly.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.

The 31st January, 1995.

Endorsement No. 158, dated the 31st January, 1995

A copy, with three spare copies, is forwarded to the Financial Commissioner and Secretary to the Government, Haryana, Labour Department, Chandigarh.

U. B. KHANDUJA,

Presiding Officer,
Labour Court-II, Faridabad.